

Appendix 2 Pre-Application Introductory Report

Coylton Greener Grid Park - Proposed Battery Energy Storage System (over 50MW) at Land off Ayr Road, Coylton, East Ayrshire

**Pre-application Introductory Report for an Application
under Section 36 of the Electricity Act 1989**

Coylton Energy Ltd

30 May 2024

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1.0 Introduction

- 1.1 Lichfields have prepared this Pre-application Introductory Report on behalf of Coylton Energy Ltd ('the applicant') to accompany a pre-application notification request to the Scottish Government Energy Consent Unit (ECU). The pre-application notification is in respect of an upcoming application under Section 36 of the Electricity Act 1989 for energy consent to run a Battery Energy Storage System (BESS) at Land off Ayr Road, Coylton, East Ayrshire.
- 1.2 The proposals constitute a 100MW uplift of a 50MW BESS development which was granted by East Ayrshire Council under the Town and Country Planning (Scotland) Act 1997 as amended, planning permission reference 23/0580/PP. The layout and design including general mitigation as consented by ref. 23/0580/PP is sufficient to accommodate the uplift and will remain unaffected by the increase in capacity.
- 1.3 The purpose of this report is to assist officers at the ECU by setting out key information including the site's characteristics, planning history and the public consultation undertaken to date and in turn inform pre-application discussions.

The applicant

- 1.4 Coylton Energy Ltd is a subsidiary of Statkraft. Statkraft is 100% owned by the Norwegian state and is Europe's largest generator of renewable energy. In the UK, Statkraft develop, own, and operate wind, solar, hydro and *Greener Grid Park* projects. Since 2006, Statkraft has invested over £1.4 billion in the UK's renewable energy infrastructure and is a leading provider of Power Purchase Agreements (PPAs), having facilitated over 6 GW of new-build renewable energy generation through PPAs. Statkraft is contracted to deliver grid stability services to National Grid ESO, supporting its target to deliver a zero-carbon electricity system by 2025.
- 1.5 The first two Greener Grid Park projects at Keith in Moray and Lister Drive in Liverpool are operational; and Neilston Greener Grid Park in Renfrewshire is currently under construction. Coylton Greener Grid Park, in East Ayrshire, to which this forthcoming application for energy consent relates, will be under construction by summer 2024 - in line with planning permission 23/0580/PP.

Structure of statement

- 1.6 This report is structured as follows:
- Section 2: The site and surroundings
 - Section 3: Background to the development
 - Section 4: The proposed development
 - Section 5: Planning policy context
 - Section 6: Key considerations
 - Section 7: Conclusions

2.0 The site and surroundings

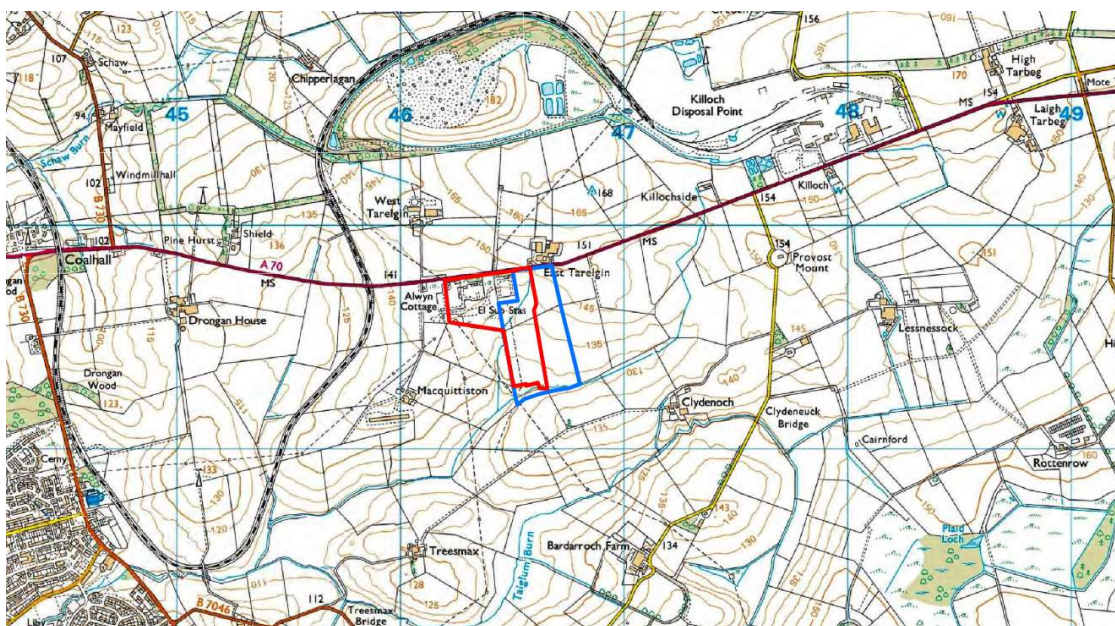
The site context

- 2.1 The Site is located approximately 1.8km northeast from Drongan, 3.5 km west of Ochiltree and 4.8 km east from Coylton. The proposed application site is currently agricultural land south of the existing Coylton substation and south of the A70. The applicant has control of the surrounding agricultural fields to the east of the proposed development area.
- 2.2 Located within the site itself is a watercourse to the northern edge which runs diagonally southward through the Site. There are also several overhead electricity lines.

The surrounding context

- 2.3 The area immediately surrounding the Site is predominantly rural in nature except for the existing Coylton substation which is immediately west of the Site and the Killoch Depot which is located approximately 1.70km northeast of the site. There are several individual properties and farms within the vicinity as well as the C9 Core Path Ochiltree to Drongan 400m south of the site.

Figure 1 Surrounding Area



Source: TNEI

- 2.4 An application for planning permission (ref. 23/0604/PP) for a 29.9MW BESS development on land immediately west of the proposed site and south of the existing substation was considered by East Ayrshire Council's Planning Committee on 19th April 2024. The committee moved to grant planning permission, the issue of which is pending subject to conclusion of a legal agreement, under Section 75 of the Town and Country Planning (Scotland) Act 1997 as amended, to secure financial provisions for decommissioning and restoration.

3.0 Background to the development

Need for development

- 3.1 Addressing the climate emergency and moving towards decarbonising energy is a priority issue for the Scottish Government. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the Climate Change (Scotland) Act 2009 and sets a target to reduce Scotland's emissions of all greenhouse gases to net zero by 2045. This is five years ahead of the UK's Governments net-zero target for 2050.
- 3.2 Historically power has been generated in large nuclear, gas, or coal-fired power stations that have inherent stabilising qualities. Renewable energy generators such as wind turbines, solar farms, and interconnectors do not have the same stabilising properties. As the grid has transitioned toward these renewable generators there is now a need for standalone stability systems such as that proposed.
- 3.3 National Grid Electricity System Operator (NGESO) developed an initiative to stabilise the generation of renewable electricity within the grid. NGESO ran a procurement process for the stabilisation works called the National Grid Stability Pathfinder Phase 2 (SPP2) in which a variety of operators with a range of technologies, including batteries and synchronous compensators sought long-term commercial contracts with NGESO to perform this service. Statkraft was awarded a stability contract in April 2022 for a grid forming converter 50MW battery energy storage system (BESS) connecting to the Coylton Substation.
- 3.4 In order to meet its contracted connection date of April 2025 as per the terms of its stability contract with National Grid ESO, Statkraft sought planning permission for a proposal of up to 50MW BESS, details of which are set out below in order to progress the development. Although limited to up to 50MW, this application was made with open acknowledgement of the site's capacity to accommodate a second phase, with the Phase 2 uplift being the subject of this forthcoming application under s.36 of the Electricity Act. The location of the batteries associated with Phase 2 are clearly identified on the approved layout.

Previous applications and planning history

Ref. 23/0580/PP – 50MW BESS

- 3.5 The same site as will be the subject of this forthcoming s.36 application has planning permission for the *“formation of 50MW Battery Storage Facility, comprising up to 24 battery storage container blocks and associated infrastructure, storage containers, site offices, comms house, noise attenuation fencing, CCTV and lighting poles and associated access, landscaping and underground grid connection cable*. Planning permission (ref. 23/0580/PP) was granted on 29 February 2024.
- 3.6 The approved development related to the construction and operation of a *Greener Grid Park* (GGP), with a capacity of up to 50 MW. The consented development consists of multiple containerised lithium-ion (Li-ion) battery storage units, along with associated equipment, including power converters, transformers, air conditioning (HVAC) units, and spares stores. In total, the proposals are comprised of the following key elements:

- 24 blocks of battery storage containers, each measuring a maximum of 4m (H) and 28m (L) x 15m (W);
- AUX Transformers, each 2.5m (H) x 2.6 (L) x 1.6 (W);
- Storage containers, each 2.6m (H) x 6.1m (L) x 2.4 (W);
- Office cabins, each 3.60m (H) x 9.80m (L) x 3.1m (W);
- An underground grid connection cable of approximately 0.3km in length;
- Comms houses, each 5.63 m (H) x 18.8 m (L) x 14.2 m (W);
- 4.5 m (H) Noise attenuation/security perimeter fencing;
- 4.5 m (H) high Perimeter Gate (Close Boarded);
- 3.4 m (H) Internal security fencing for HV Yard.
- 3.4 m (H) Palisade Gate for HV Yard;
- CCTV / Lighting Poles (6m High);
- Porous Crushed Aggregate Hard Surfacing;
- HV Equipment at 8 m (H) x 28.1 m (L) x 14.4 m (W);
- HV Yard at 40.42 m (L) x 20.78 m (W); and
- Landscape and biodiversity enhancements.

3.7 Access to the site will be taken from the A70 via a new site entrance connecting to it and a newly constructed access road. The A70 runs in an east-west direction and provides road link between Cumnock and Ayr.

3.8 The proposals include appropriate surface water drainage, security fencing, and landscape and biodiversity enhancements.

Figure 2 Proposed Layout of Ref. 23/0580/PP



Source: TNEI

- 3.9 A request for a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2013 was submitted to East Ayrshire Council (ref. 23/0008/EIASCRC). In the Screening Response issued by EAC it was confirmed that the proposals did not constitute EIA development.
- 3.10 As a *major* application, as defined by the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009, there was a statutory requirement to undertake Pre-Application Consultation (PAC). This included two public consultation events, one in-person event was held at Ochiltree Community Hub on Thursday 26 May 2022 between 14:30 to 20:30 as well as a virtual exhibition which was held on a dedicated project website from 23 May 2022 to 30 May 2022. An online event where interested parties could engage with the project team via the website also took place on Thursday 16 June 2022 between 11:00 – 13:00 and 17:00 – 19:00.
- 3.11 To ensure the local residents were notified suitably of the events a letter drop was undertaken on 16 May 2022 to properties within a 2 km radius of the Site. This totalled 99 properties, 94 of which were residential.
- 3.12 Neighbouring properties were notified of the application as per the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013 as well as the application being advertised in a local press, the Cumnock Chronicle. Following the statutory consultation period there were no objections to the planning application.

- 3.13 A further public information day was held on 13th February 2024, post-submission and pre-determination, where attendees could provide comments on the proposals directly to the applicant.

Ref. 21/0748/PP – Greener Grid Park (including 19.9MW of BESS and two synchronous compensators)

- 3.14 An earlier planning application for the Greener Grid Park proposed a 20MW Battery Energy Storage System, two synchronous compensators and associated infrastructure. This was granted permission on 23 August 2022. However, in the intervening time between submission and the grant of the planning permission, Statkraft was awarded a stability contract by National Grid ESO for a 50MW BESS rather than 20MW with synchronous compensation. The approval of application ref. 23/0580/PP has in effect superseded this permission, albeit planning permission remains extant.
- 3.15 This application was a *local* application and as such there was no statutory requirement to carry out PAC. There were no neighbours within 20m of the application boundary to notify of the planning application however the application was advertised in a local press, the Cumnock Chronicle, and a period of public comment followed during which there were no representations received.

4.0 The proposed development

- 4.1 The proposed development seeks Energy Consent for a BESS development of over 50MW. This would be made up of the 50MW development already consented under the Town and Country Planning (Scotland) Act 1997 (as amended) plus the 100MW uplift of Phase 2. As the two phases would operate as a single entity, the energy consent would cover both.
- 4.2 We do not anticipate that the application will seek deemed planning permission for the physical works associated with the installation and retention of the 100MW battery uplift of Phase 2 as these physical works were approved under 'Ref. 23/0580/PP – 50MW Battery Storage' on pages 3-4 of this report.
- 4.3 The layout consented under planning permission ref. 23/0580/PP retained space for 'Phase 2' as shown in the orange hatching in Figure 3, with the siting of the batteries required for the uplift shown on the approved layout in Fig 2 above. This was included specifically to facilitate the future extension of the consented development by a further 100MW through this forthcoming application for Energy Consent.
- 4.4 As a result, the proposed development does not broadly introduce any new matters for consideration not previously considered by East Ayrshire Council other than the fact that the Greener Grid Park development would host a BESS with a total of 150MW output rather than up to 50MW as currently consented. Acoustic output and potential for associated impact would require reassessment, however the consented layout does require amendment to accommodate the Phase 2 uplift.

Figure 3 Phase 2 shown hatched orange an approved phasing drawing in application Ref. 23/0580/PP



Source: TNEI

- 4.5 We will engage with East Ayrshire Council to discuss the *deemed planning permission* component of this application for energy consent, to ensure that the Council is agreeable to its limited scope in the context of planning permission 23/0580/PP.

Development Programming

- 4.6 It is intended that Phase 1 (up to 50MW) of the Greener Grid Park development is operational in 2025 as per Statkraft's contract with NGESO. To ensure the facility is operational by this date, the applicant is in the process of discharging conditions applications for all commencement/pre-works matters, of which there are nine. A copy of the decision notice is set out in Appendix 1.
- 4.7 This discharging of conditions process will result in provision of up-to-date information on:
- Details of watercourse culvert necessary to construct the access road;
 - Site access details;
 - A Construction and Environmental Management Plan ('CEMP');
 - An Environmental Clerk of Works (ECoW);
 - Species Protection Plans;
 - Nesting/breeding bird surveys;
 - Details of dimensions, design, finishing materials and colours of all buildings, containers etc;
 - Site lighting; and
 - Existing and proposed site levels.
- 4.8 The Phase 2 100MW development has an indicative commencement date of Q4 2025. To achieve this, a submission date of summer 2024 for the s.36 application is proposed.

5.0 Planning policy context

- 5.1 This section provides an assessment of the proposed development against key planning policy and guidance.

Relevant Planning Policy and Guidance

- 5.2 The planning policy and guidance documents which are of relevance to the planning application are as follows:

- National Planning Framework 4 ('NPF4') – Approved 13 February 2023;
- East Ayrshire Council ('EALDP') – Adopted 08 March 2024; and
- The Minerals Local Development Plan – Adopted on 13 January 2020.

National Planning Framework 4

- 5.3 NPF4 is the national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy.
- 5.4 Part 1 of the document, the spatial strategy sets out that that Scotland had already “*taken significant steps towards decarbonising energy and land use*” but that there will be choices to be made about the most sustainable use of the country's natural assets. It also highlights the importance of reducing greenhouse gas emissions and adapting to the future impacts of climate change (page 03).
- 5.5 Part 2 sets out the national planning policy which development will be assessed against. The policies of relevance are:
- Policy 1: Tackling the climate and nature crises
 - Policy 2: Climate mitigation and adaption
 - Policy 3: Biodiversity
 - Policy 5: Soils
 - Policy 6: Forestry, woodland and trees
 - Policy 7: Historic assets and places
 - Policy 11: Energy
- 5.6 These policies were in place at the time of East Ayrshire Council's assessment of application 23/0580/PP so are not explored further at this stage.
- 5.7 Where NPF4's position differs when compared to the assessment of 23/0580/PP is that as the s.36 application would be for more than 50MW generation, the project becomes a *National Development* as defined by the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009.
- 5.8 NPF4 sets out National Developments and includes ‘*Strategic Renewable electricity Generation and Transmission Infrastructure*’ on p103. This national development is triggered by on and offshore electricity generation, including energy storage, from renewables exceeding 50 MW capacity.

- 5.9 The national development status in effect establishes the need for and in turn principle of development.

East Ayrshire Local Development

- 5.10 The EALDP sets out how the Council wants to see East Ayrshire develop. The policies which are of particular relevance to establishing the acceptability of the proposals in planning terms are:

- Policy RE1: Renewable Energy
- Policy IND2: Business and industrial development in the rural areas
- Policy SS2: Overarching Policy

- 5.11 Since the extant permission for the up to 50MW Greener Grid Park application was assessed, there has been a change in the policy position through the adoption of EALDP2 in March 2024. This replaced the EALDP. The proposals were found compliant with, now superseded, Policy RE1: Renewable Energy Development. The emerging, now-adopted policy, was also considered within the Report of Handling for application ref. 23/0580/PP. The case officer outlined that the policy remains the same in essence and therefore the development would align with both policies.

- 5.12 Also considered within the Case Officer's assessment, were a series of other policies which they found could be relevant to the application. However, the officer concluded that, due to the overlap with the detailed assessment criteria included in (superseded) Policy RE1: Renewable Energy Development, which the proposals were found to be in accordance with, it was considered that the proposals were compliant with these other policies by default. Adopted policy RE1: Renewable Energy is similar to the superseded RE1. As a result, we expect that the position taken by the Council previously will apply again to several of these new policies.

- 5.13 For the avoidance of doubt, since there has been a change in the policy position, the replacement policies which overlapped with RE1 referred to above as well as new policies (noted by *) introduced by EALDP2 have been explored in the list below:

- Spatial Strategy Policy SS1: Climate Change*
- Policy DES1: Development Design – New Policy*
- Policy OS1: Green and Blue Infrastructure – New Policy*
- Policy HE1: Listed Buildings
- Policy NE1: Protecting and Enhancing Landscape and Features
- Policy NE6: Vulnerable, Threatened and Protected Species
- Policy NE8: Trees, Woodland, Forestry and Hedgerows
- Policy NE12: Water, air, light and noise pollution
- Policy RES3: Residential Amenity
- Policy INF1: Infrastructure First*
- Policy T1: Transport requirements in new development

- Policy T4: Development and protection of core paths and other routes
- Policy T5: Charging Infrastructure for Electric Vehicles*
- Policy WM2: Development & the Circular Economy*

5.14 Although the policies listed above are either new policies or variations from the previous LDP, their draft versions were material considerations at the time of determination of the last Greener Grid Park application for planning permission.

5.15 The physical development of this site for a BESS has been assessed against the development plan policies in NPF4 and what is now the adopted LDP in its Proposed Plan format. This assessment was favourable and planning permission was granted. The new works that will be the subject of this application for energy consent and deemed planning permission which are not already covered by planning permission are relatively modest in the context of the consented and soon to be implemented development.

5.16 As such no new planning issues are expected to arise from the proposed increase in capacity, nor is it expected that the proposals' reassessment of noise impact with the uplift in capacity incorporated will give rise to new adverse impact that cannot be adequately mitigated.

6.0 Key considerations

- 6.1 We have set out below, some of the key considerations which will factor in the determination.
- 6.2 The Report of Handling for the previous application, ref. 23/0580/PP set out the relevant material considerations for the determination of that application. These considerations as well as other relevant considerations are set out below:

Development Plan Policy

- 6.3 There has been no change in Scottish Government planning policy since the approval of application ref. 23/0580/PP with reducing greenhouse gas emissions, decarbonising and managing the natural environment still being key considerations.
- 6.4 However, being over 50MW, this generating facility is now classed, in planning terms, as a *National Development*, under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The principle of development is established, subject to compliance with other policy requirements.
- 6.5 As the Phase 1 component was considered favourably as a Major Development against NPF4, it is anticipated that the Phase 2 extension with National Development status will also.
- 6.6 As described above, while the LDP policy has evolved since the grant of the Phase 1 planning permission, there are no new or amended policies which would be anticipated to render consideration of the Phase 2 proposals to be different to Phase 1.

Planning History

- 6.7 The approval of ref. 23/0580/PP means that there have now been 2 consecutive energy developments approved on the site highlighting its suitability for energy development for up to 50MW. The layout of the most recently approved development proposal, which already has planning permission, can physically accommodate all new works arising from this forthcoming application for energy consent.

Pre-Application Consultation

- 6.8 The applicant intends to carry out pre-application consultation (PAC) with the local community and stakeholders prior to making the application.
- 6.9 We note that the good practice guidance sets out that the applicant is expected to hold at least two public consultation events prior to making an application, although that is not a statutory requirement.
- 6.10 As outlined above, the applicant has already progressed two applications for planning permission on this site. This resulted in the following consultation: a letter drop to neighbouring properties, two public PAC events (one online and one virtually in May 2022) and a further public information day post-submission and pre-determination (February 2024).

- 6.11 We consider that to hold a further two PAC events prior to making this s.36 application for a proposal that is nearly identical to one already consulted on and the subject of planning permission may lead to confusion and contribute to engagement fatigue.
- 6.12 On this basis, we propose one further public event, one which is focussed solely on the implications of the increase in capacity of the consented development. i.e. the uplift from 50MW to 150MW. We believe this is a reasonable and proportionate programme of PAC that is reflective of the planning history of the site and engagement carried out to date.
- 6.13 We would welcome the opportunity to discuss this with officers and agree timescales for PAC.

EIA

- 6.14 The proposed development is EIA development as per Schedule 2 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. It follows that it must be screened to establish whether an Environmental Impact Assessment Report (EIAR) is required.
- 6.15 This will be carried out at the appropriate time; however, it should be noted that the 50MW development the subject of planning permission 23/0580/PP was screened against the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. East Ayrshire Council concluded that EIA was not required.
- 6.16 The only environmental change expected to arise from the 100MW uplift will be in relation to reappraising noise impact due to the increase in operation associated with the increase in MW output. However, it is not anticipated that this single issue would warrant EIA alone. We anticipate that this proposal will be screened negatively and an EIAR will not be required.

Application Scope

- 6.17 The physical works associated with the Phase 2 battery infrastructure is already consented under planning permission. Therefore, deemed planning permission would only be sought for the operation of the Phase 2 element (i.e. the additional 100MW capacity). Deemed planning permission is not necessary for the siting of the batteries, nor any of the surrounding and additional elements as all required are already permitted under the Town and Country Planning (Scotland) Act 1997 as amended via planning permission 23/0580/PP (see approved drawing ref: 15627 – 049 REV1 – Proposed Site Layout Plan – Parameters).
- 6.18 As such, it is anticipated that this forthcoming application will seek energy consent for a BESS which when combined would be over 50MW (up to 50MW Phase 1 aligned with planning permission 23/0580/PP and 100MW Phase 2).
- 6.19 We would welcome the opportunity to discuss this with officers at their earliest convenience. We will also engage with East Ayrshire Council in its capacity as statutory consultee to the s.36 application, to seek its initial opinion on the approach outlined above.

Application Content

- 6.20 The outcome to discussions in relation to Application Scope above will define the content of the application. If the former option is pursued, the application will be comprised of:
- PAC Report
 - Planning Statement
 - Suite of drawings
 - Noise Impact Assessment
- 6.21 We would welcome the opportunity to discuss the application content with officers at the earliest opportunity.

Cumulative Impact

- 6.22 As noted above, an application for planning permission for a 29.9MW BESS development on land adjacent to the Site was approved at Planning Committee on 19th April 2024 subject to a legal agreement. Prior to this forthcoming application for Energy Consent being considered by the ECU, the applicant will consider cumulative impact arising from the neighbouring development. We expect that this would be limited to consideration of the issue of combined noise omitted from the two developments.
- 6.23 We will liaise with East Ayrshire Council to discuss and agree any matters warranting additional assessment over and above that already prepared or underway.

7.0 Conclusions

- 7.1 The principle of BESS development at this site is well established and steps to implement planning application ref. 23/0580/PP for a 50MW BESS facility are currently underway. The application, granted under The Town and Country Planning (Scotland) Act 1997 as amended, secured permission for expansion noted as 'Phase 2' in its approved phasing plan and with the siting of the associated infrastructure included on the approved layout. This future Section 36 application relates to the uplift in capacity arising from the energising of Phase 2.
- 7.2 Since the approval of application ref. 23/0580/PP there has been a change in the Local Development Plan policy position due to the adoption of LDP2 in March 2024 however there remains policy support for energy development and these proposals remain in compliance with national and local planning policy. With this in mind, we do not anticipate that East Ayrshire Council's view of the proposal as a statutory consultee will differ from its previous favourable assessment of the application for planning permission for the 50MW scheme.
- 7.3 As part of the Section 36 process the applicant proposes to provide up-to-date supporting information on noise to ensure the protection of residential amenity, taking into consideration the live application on the neighbouring sites for further BESS development.
- 7.4 To ensure the development programme is achieved, the applicant would welcome any commentary at this stage regarding the proposals to ensure the upcoming application addresses all potential areas requiring consideration. It is however anticipated that this application for energy consent will not introduce any new considerations not previously considered by East Ayrshire Council.

Appendix 1 Decision Notice Ref. 23/0580/PP

Governance

**Chief Governance Officer, Solicitor to the Council
and Council Monitoring Officer: David Mitchell**



Telephone: 01563 576790

Email: submittoPlanning@east-ayrshire.gov.uk

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application Reference Number: 23/0580/PP

TO: Statkraft UK Ltd
per
Ryan Llewellyn
TNEI
West One
Forth Banks
7th Floor, West One,
Newcastle upon Tyne
United Kingdom
NE1 3PA

GRANT OF PLANNING PERMISSION

With reference to your application validated on 3rd November 2023 for planning permission under the above mentioned Act and Regulations for the following development:

Formation of 50MW Battery Storage Facility, comprising up to 24 battery storage container blocks and associated infrastructure, storage containers, site offices, comms house, noise attenuation fencing, CCTV and lighting poles and associated access, landscaping and underground grid connection cable. as indicated in the plans:

Plan Type	Reference	Version No	Received Date
Landscape	2115 L01D		03.01.2024
Landscape	Zone of Theoretical Visibility and Viewpoint		20.11.2023
Site Layout Plan	15627 049		27.10.2023
Site Layout Plan	15627 023		27.10.2023
Site Plan	Phasing Plans 15627 032		27.10.2023
Site Layout Plan	15627 048		27.10.2023
Elevation	15627 024		27.10.2023
Location Plan	15627 043		27.10.2023
Site Layout Plan	15627 044		27.10.2023
Section	Cable Route Cross		01.11.2023

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www.east-ayrshire.gov.uk

	Section	
Photographs	LVA Figures	27.10.2023
Report	Archaeological Assessment	27.10.2023
Report	Construction Traffic Management Plan	27.10.2023
Report	Coylton Drainage Strategy	27.10.2023
Report	Design and Access Statement	27.10.2023
Report	Environmental Noise Impact Assessment	27.10.2023
Report	LVIA	27.10.2023
Report	LVIA Figures	27.10.2023
Report	Peat Probing Survey	27.10.2023
Report	Planning Statement	27.10.2023
Report	Tree Survey	27.10.2023
Report	Tree Survey Report	01.11.2023

AT

Land off Ayr Road, Coylton, East Ayrshire

East Ayrshire Council in exercise of their powers under the above mentioned Act and Regulations hereby **GRANT** planning permission for the said development in accordance with the above listed plans, docquetted as relative hereto and subject to the following conditions:

1. The development hereby permitted shall be commenced within 3 years from the date of this planning permission.

Reason: To define the duration of this consent and to accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.

2. (a) Within six months of completion of the construction of the development (or within the next available planting season after construction has completed) the Landscape Planting Plan shown on approved plan 'Appendix 4 - Landscape Plan LVA Figure 5' (date on plan 17/10/2023) shall be implemented in full by the Developer and all vegetation, including grasses, detailed on that plan planted in accordance with that plan.

(b) The approved and implemented Landscape Planting Plan implemented under part (a) shall be maintained for the lifetime of the development and any failure of any planting to establish or any loss of vegetation during the lifetime of the development shall be replaced within the next available planting season and subsequently maintained for the lifetime of the development.

Reason: In the interests of visual amenity.

3. The battery energy storage facility approved by this permission shall not exceed 50MW in generating capacity.

Reason: In order to ensure the development complies with the development consented.

4. (a) No development shall commence until full details of the watercourse culvert necessary to construct the access road, have been submitted to and approved in writing by the Planning Authority, in consultation with

ARA.

(b) The culvert approved under part (a) shall be installed and maintained thereafter.

Reason: In order to protect the environment and ensure the watercourse flow is uninterrupted.

5. The submitted Construction Traffic Management Plan, (prepared by 'Pell Frischmann', dated October 2023) shall be implemented in full and adhered to at all times unless otherwise agreed in advance in writing by the Planning Authority in consultation with ARA and Transport Scotland.

Reason: In the interests of road safety and to ensure that impacts on routes and communities are adequately assessed and used to inform appropriate mitigation measures.

6. Prior to any movement of abnormal loads the Developer must complete any mitigation works set out in the submitted Construction Traffic Management Plan, (prepared by 'Pell Frischmann', dated October 2023), and maintain such measures during the period of abnormal load delivery.

Reason: To ensure that the delivery route is suitable and that appropriate mitigation measures are undertaken, in the interests of road safety.

7. All works associated with abnormal loads shall be undertaken by the Developer in accordance with the details approved under the submitted Construction Traffic Management Plan, (prepared by 'Pell Frischmann', dated October 2023).

Reason: In the interests of public road safety and to mitigate the effects of abnormal loads on the public road network.

8. (a) No development shall commence until a detailed site access plan has been submitted for the written approval by the Planning Authority, in consultation with ARA.

(b) Thereafter, the Developer shall ensure that the site access is constructed in accordance with the details approved in the submitted access plan and the Construction Traffic Management Plan, (prepared by 'Pell Frischmann', dated October 2023), unless otherwise agreed in writing in advance by the Planning Authority, in consultation with ARA.

Reason: In the interests of road safety and to enable safe and suitable access for vehicles to and from the site.

9. No surface water is to discharge from the site access onto the public road.

Reason: In the interests of road safety.

10. (a) No development shall commence unless and until a Construction and Environmental Management Plan ("CEMP") containing site specific details of onsite construction works, post-construction reinstatement, site specific drainage and site specific mitigation, together with details of their timetabling, has been submitted to and approved in writing by the Planning Authority. The CEMP shall include (but shall not necessarily be limited to):

(i) a phasing plan for the construction works;

(ii) a site waste management plan (dealing with all aspects of waste produced during the construction period) including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;

(iii) details of the formation of the temporary construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, storage of materials during construction including fuels and chemicals, any temporary construction site lighting and columns, including lux levels and direction/angle, and any construction compound boundary fencing;

- (iv) a dust management plan;
 - (v) site specific details for the management and operation of any concrete batching plant if required;
 - (vi) Pollution Prevention Incident Plan (PPIP) incorporating a Pollution Prevention Plan, Pollution Incident Plan and a Pollution Control Monitoring Plan, including arrangements for the storage and management of oil and fuel on site;
 - (vii) a Habitat Management Plan detailing any habitat management required on the site and adjacent to it to ensure appropriate steps are taken to minimise impacts on the habitats;
 - (viii) a site drainage management strategy demonstrating how all surface and waste water arising during and after construction will be managed and prevented from polluting any watercourses or sources, including all details of flood risk management on site, including full details and cross sections of the proposed attenuation pond;
 - (ix) details of any sewage disposal and treatment;
 - (x) details of measures to address air quality impacts from diesel generators;
 - (xi) the construction of access into the site, including associated drainage and the creation and maintenance of associated visibility splays;
 - (xii) detailed construction method statements (CMS) for the construction of all components of the Greener Grid Energy Park;
 - (xiii) detailed construction method statements (CMS) for the construction of access roads including their width, means of drainage (which shall have regard for SUDS principles);
 - (xiv) post-construction restoration of working areas and elements not required for the ongoing operation of the Development, including any temporary construction compounds or working areas. Wherever possible reinstatement is to be achieved by the careful use where appropriate of turves previously removed prior to construction works. Where ground conditions do not allow for successful turf removal, the CMS must evidence this from site / ground investigations and provide additional details including all seed mixes and seeding methodologies to be used for the reinstatement of vegetation including timetabling of works;
 - (xv) Construction Noise Management Plan including details of the management of noise and vibration during construction, including that caused by construction traffic, to the lowest practicable levels and in accordance with BS 5228 (or any updated version which supersedes this document), and
 - (xvi) a written scheme which details the methodology for dealing with any revisions to any of these documents required under part (a). Any revised documents will require to be provided to the Planning Authority for its written approval prior to implementation on site.
- (b) The approved CEMP shall be implemented in full unless otherwise approved in advance in writing by the Planning Authority.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the documentation accompanying the application, or as otherwise agreed, are fully implemented.

11. (a) No development shall commence until the Developer has appointed a suitably qualified and experienced independent third party Environmental Clerk of Works (ECoW) (independent of the construction project management company and any contractor or sub-contractor), approved in writing by the Planning Authority. The ECoW shall, by the terms of their appointment:-

(i) Monitor compliance with all construction works, including the ecological and hydrological commitments provided in the information lodged in support of the application; the Construction Environmental Management Plan ("CEMP") approved in accordance with Condition 9; the Species Protection Plans approved in accordance with Condition 11; the Bird Protection Plan approved in accordance with Condition 12 and other plans, method statements and management strategies approved in terms of Condition 10;

(ii) Direct the placement of infrastructure and monitor compliance with the approved Construction Method Statements;

(iii) Require the ECoW to report to the Planning Authority and the Developer's nominated construction project manager any incidences of non-compliance with the CEMP and any other plans, method statements and protection and management plans, as set out under part (a)(i) at the earliest opportunity; and

(iv) Require the ECoW to submit quarterly reports to the Planning Authority summarising the works undertaken on site.

(b) The approved ECoW shall be appointed on the terms detailed under part (a) throughout the period from pre-construction works, commencement of development, throughout the construction period and during any period of post-construction restoration and reinstatement works.

Reason: To minimise the environmental impacts during the construction of the development.

12. (a) Species Protection Plans, informed by pre-construction protected species surveys (carried out not more than three months prior to the commencement of development), shall be submitted for the written approval of the Planning Authority in consultation with NatureScot prior to the commencement of development. For the avoidance of doubt, these species protection plans will require to cover bats as well as reptiles.

(b) The species protection plans approved under part (a) shall be implemented during all construction works and, if required, any post-construction restoration works.

Reason: To ensure that adequate protection is implemented, in the interests of minimising adverse effects on the species.

13. (a) All tree felling, soil stripping and construction works shall be undertaken out with the breeding bird season (March to August inclusive).

(b) Where this is not possible, nesting/breeding bird surveys shall be undertaken by an appropriately qualified ornithologist or ECoW (as appointed under Condition 10), of any areas to be the subject of tree felling, soil stripping or construction works and the results of the surveys shall be used to produce a Bird Protection Plan (BPP) to be submitted for the written approval of the Planning Authority in consultation with NatureScot, prior to any such activities taking place on site. The BPP shall include full details of the pre-construction surveys carried out and their results, all necessary mitigation and operational protocols appropriate to the species identified during the surveys, including any appropriate buffers to prevent or minimise disturbance of birds during tree felling, soil stripping and construction of the development and any post-construction restoration period.

(c) The Bird Protection Plan approved under part (b) shall thereafter be implemented in full in accordance with the approved details during all tree felling, soil stripping and construction works, and post-construction restoration works.

Reason: To ensure protection of the environment of breeding birds.

14. (a) No development shall commence unless and until details of the dimensions, design and finishing materials and colour of all buildings, containers, plant and other component infrastructure forming the Greener Grid Energy Park have been submitted to and approved in writing by the Planning Authority.

(b) The Development infrastructure shall thereafter be installed in accordance with the details approved under part (a), and maintained in the approved colour, free of rust and discolouration for the lifetime of the development.

Reason: To ensure the colour of all built elements within the site is reflective of the landscape setting in the interests of visual amenity.

15. (a) No construction works or deliveries of materials to or from the site shall take place outwith the hours of 08.00-18.00 Mondays to Fridays and 09.00-13.00 on Saturdays, with no construction works of deliveries taking place on Sundays or local or national public holiday, unless the prior written approval of the Planning Authority has been provided.

(b) All plant and machinery shall be operated in accordance with British Standard BS 5228:2009 'Code of Practice for noise and vibration control on construction and open sites - Part 1: Noise and Part 2: Vibration'.

Reason: In the interests of amenity.

16. When assessed in accordance with BS 4142:2014+A1:2019, the excess of the Rating Level above the Background Sound Level due to the Greener Grid Energy Park shall not reach or exceed 5 dB. The Background Sound Levels detailed in the 'Environmental Noise Impact Assessment - Coylton Greener Grid Park. Ref: 15416-003-R0' (dated October 2023), shall apply in carrying out such an assessment.

Reason: To ensure the low impact threshold in BS 4142 is not exceeded, to protect residential amenity.

17. (1) Following the receipt of a written request from the Planning Authority (which shall set out at least the date, time and location that the complaint relates to), following a complaint alleging noise disturbance during the operational phase of the development, the Applicant shall:

(i) Within 21 days of receipt of the written request, at its expense, employ an independent consultant to assess the level of noise emissions from the Battery Energy Storage System facility development at the complainant's dwelling (or a suitable alternative location agreed in writing by the Planning Authority).

(ii) Prior to the commencement of the noise assessment, the Company shall submit to the Planning Authority, for its written approval, a proposed noise assessment protocol. The protocol shall include the proposed measurement location where measurements for compliance checking purposes shall be undertaken, and also the range of meteorological and operational conditions to determine the assessment of noise. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Planning Authority, and such others as the independent consultant considers necessary to obtain sufficient data to evidence noise from the development is not 5dB or more above the background noise level.

(2) The assessment of the level of noise from the development shall be undertaken by the independent consultant in accordance with the noise assessment protocol approved under part (1)(ii).

(3) Within 2 months of the date of the written request from the Planning Authority under part (1), unless the time limit is extended in writing by the Planning Authority, the Applicant shall provide to the Planning Authority, the independent consultant's assessment of the level of noise from the development. Unless otherwise agreed in writing by the Planning Authority, the assessment shall be accompanied by all the data collected for the purposes of undertaking the noise assessment, such data to be submitted in a format to be agreed by the Planning Authority.

(4) Where the results of the noise assessment evidence the development is causing an adverse impact at the complainant's property as detailed in BS 4142:2014 + A1: 2019, the Applicant will require to provide proposed details of any mitigation measures required, for the written approval of the Planning Authority, to ensure that the standards set out in the aforementioned BS standard are met at the complainant's property.

(5) The mitigation approved under part (4) shall thereafter be implemented as approved and maintained in an effective working condition for the lifetime of the Development.

Reason: To avoid noise disturbance in the interests of residential amenity.

18. No batteries, switchgear containers, electrical housing, condensers, enclosures, ancillary building or any above ground infrastructure forming part of the development shall be illuminated or display any text, sign, logo or advertisement (other than those required by law under other legislation).

Reason: In the interests of environmental and visual amenity of the area.

19. (a) Any trees with potential roost features PRFs (as assessed in the Preliminary Ecological Appraisal) which are due to be felled, must be checked by a suitably licensed bat ecologist using a torch and endoscope directly prior to felling.

(b) any permanent lighting on the site must be designed in line with ILP guidance and ensuring any impact on bats is minimised.

(c) Details of the proposed permanent site lighting which takes account of part (b) must be agreed in writing with the Planning Authority before development commences on site.

(d) The lighting details approved under part (c) shall be implemented as approved and maintained thereafter during the operation of the development.

Reason: To ensure the protection of wildlife on the site.

20. No development shall commence unless and until full details of existing and proposed levels on site have been submitted to and approved in writing by the Planning Authority.

Reason: These details have not yet been agreed.

Please note that the Planning Authority will not issue stamped paper drawings relating to any decision notice resulting from this application. Any stamped drawings relating to a decision notice will be available on the Online Planning Information System (OPIS) to be downloaded or to be printed through the following web link.

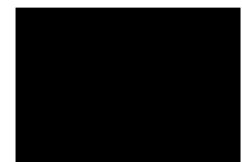
<http://eplanning.east-ayrshire.gov.uk/online/applicationDetails.do?activeTab=summary&keyVal=S36GXUGFH6D00>

The Council has granted consent for this development for the following reason(s):

The proposed development is considered to accord with the Development Plan and material considerations do not indicate the application should be refused.

Dated this **29th February 2024**

Signed.....



David Mitchell
Chief Governance Officer

1. The applicant is reminded that approval to carry out works on the road network is reserved to the trunk roads authority, and that modifications require to comply with published guidance and the relevant legislation. This includes legislation such as the Disability Act. Please contact Transport Scotland for further guidance.

2. The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.

3. Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

4. Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

5. Drainage should be completed to the satisfaction of SEPA and/or Scottish Water as relevant.

6. Any external lighting on site shall be sited in such locations so as not to result in artificial light impacts on the surrounding environment. Such lighting shall not spill out with the boundaries of the site onto other properties.

7. The diversion works to the small watercourse will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Please contact waterpermitting@sepa.org.uk to confirm the regulatory requirements that will be applicable.

8. Details of regulatory requirements and good practice advice can be found on the regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: SWS@sepa.org.uk

Notes to Applicant

1. It should be understood that this permission DOES NOT carry with it any building warrant which may be required under the building regulations currently in force, or any necessary consent or approval to the proposed development under other statutory enactments.

2. If the applicant is aggrieved by the decision of the Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Scottish Ministers in accordance with Section 47 of the Town and Country Planning (Scotland) Act, 1997, within 3 months of the date of this notice. The Scottish Ministers have power to allow a longer period for the giving of a notice of appeal, but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. Any notice of appeal should be sent to the **Scottish Ministers, Directorate for Planning and Environmental Appeals, Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk FK1 1XR** Tel: 03002446668 or Email: DPEA@gov.scot. If you wish to discuss or obtain more information on how to request a review you can contact the Scottish Government on 01324 696 400 or view the following page on the Scottish Government's website:- <http://www.scotland.gov.uk/Resource/0039/00399466.pdf>

3. If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act, 1997.

4. Applicants should have early contact with the appropriate bodies that provide Water, Sewerage and Roads infrastructure otherwise the availability of services might be delayed.

5. The proposed development may lie / lies within a coal mining area, which may contain unrecorded coal mining related hazards. Applicants should take account of any coal mining hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involve entry into any coal or mines of coal, including coal mine shafts and audits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0345 762 6848 or further information is also available on the Coal Authority website at www.gov.uk/government/organisations/the-coal-authority

6. There are a number of risks created by building over gas mains and services. Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within the gas network, SCOTLAND GAS NETWORKS ADVISE THAT you must:

1. Check your proposals against the information held at <https://www.linesearchbeforeudig.co.uk/> to assess any risk associated with your development and

2. Contact Scotland Gas Networks Plant Protection team to let them know. Plant location enquiries must be made via email at plantlocation@sgn.co.uk but you can phone them with general plant protection queries on 0800 912 1722.

You should be aware that in the event of an overbuild on the gas network, the pipework must be altered, you may be temporarily disconnected and your insurance may be invalidated.

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